IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 741 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04/02/2004 in WP NO : 1720 OF 2004 on the file of the High Court.)

Between:

K. Gopala Yogi, S/o Late Jagannadham, Managing Partner, S.K. Electrical Engineering Works, 44-36-12, Srinivasa Nagar, Akkayyapalem, Visakhapatnam-16.

..... APPELLANT

AND

1 The Andhra Pradesh Power Generating Corporation Ltd, Vidyut Soudha, Hyderabad - 82, rep. by its Chief Engineer/Gen.II.
2 The Executive Director/Civil APGENCO, Vidyut Soudha, Hyderabad - 82.
3 M/s Shiraz Enterprises, 525 , Shazada Bagh, Phase-I, Industrial Complex, Inderlok, Delhi 110 035.

.....RESPONDENT(S)

Counsel for the Appellant:MR.M.SUBBAIAH SASTRY

Counsel for the Respondent Nos.1 and 2: SMT.K.SESHARAJYAM

Counsel for the Respondent No.3: None appeared

The Court made the following Oral Order: (per Sri Devinder Gupta,CJ)

-

-

-

-

-

-

-

Appellant, in the writ petition questioned the action of the respondents in awarding contract of sale of 2 X 10MW Gas Turbo Sets with available spare parts. The writ petition was dismissed by the learned single judge by the impugned order. Appeal is against the said order.

Challenge by the appellant to the award of contract to 3rd respondent was on the ground that action of the respondents in giving Sale Order to the 3rd respondent is vitiated on two grounds. The first ground is that he being a registered contractor, no notice was given to him inviting him to participate in the tenders. The second ground is that the award of contract to the 3rd respondent is bad as he is not a registered contractor with the respondents 1 and 2.

Learned single judge noticed the fact that the Sale Order which had earlier been issued in favour of the appellant by order dated 12.4.2002 pertaining to sale of 2 x10 MW G.T. sets was cancelled on 17.8.2002 after affording number of opportunities to the appellant. However, the said action of the respondents in cancelling the Sale Order and forfeiting Security Deposit was not challenged by the appellant in any writ petition. Thereafter, the respondents issued fresh tender notice, which has been given wide publicity. The said tender notice was also published in the Economic Times on 11.10.2003. The contract was awarded to the 3rd respondent who was competent to offer his bid. The learned single judge also noticed that the appellant failed to bring to the notice of the Court any rule or regulation under which respondents were obliged to notify the appellant writ petitioner to participate in the

tender.

We see no ground to interfere with such a reasoned order passed by the learned single judge in a contractual matter.

The writ appeal is accordingly dismissed. No costs.

_____

DEVINDER GUPTA, CJ

Date: 1st September, 2004

_____

C.V.RAMULU,J

pnb

To

1 The Chief Engineer/Gen.II.
Andhra Pradesh Power Generating Corporation Ltd, Vidyut Soudha,

Hyderabad - 82,

2 The Executive Director/Civil APGENCO, Vidyut Soudha, Hyderabad –82.

3 M/s Shiraz Enterprises, 525 , Shazada Bagh, Phase-I, Industrial Complex, Inderlok, Delhi 110 035.

4 Two C.D. copies